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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,225	03/31/2004	Jacky Todd Oldham	1202P-000379	7180

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/815,225	Applicant(s) OLDHAM, JACKY TODD	
	Examiner Michael Trettel	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-17 and 19-25 is/are rejected.
- 7) ☒ Claim(s) 6, 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



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DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1 to 5, 7, 8, 10 to 17, and 19 to 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Arai (US 3,036,864). Arai shows a fixing device used to attach a backrest, armrest, or leg structure to the base section 3 of a chair assembly. The base section 3 is formed as a seat with cushions on an upper surface and plural retaining sockets 14 attached to the underside of the base section and arranged along the side and back edges of the base section. Armrest 2 with cushion members 4 can be attached to the base section 3 by means of spring elements 15 that engage the sockets 14. A pair of spring elements 15 are attached together by a horizontal segment and are received within the interior of the arm rest 2 by means of the horizontal segment and upper ends of the spring elements being with a socket 10 formed inside the arm rest. The arms 16 extend at a right angle with respect to the arm rest 2 and terminate in extensions 17 which engage apertures 13 formed in the sockets 14. The above assembly forms a first support bracket for an arm rest which can be attached or detached by pushing the arms 16 together and then slipping them into or out of the sockets 14. A back section 1 with a cushion member can also be attached to the base section 3 in a similar fashion. The interior of the arm rest forms a second surface which is engaged by the first support bracket, and which provides the sole means of lateral support for the arm rest. The arm rest simply rests upon the first bracket such that the arm rest is free of any mechanical fastening means.

Claim Rejections - 35 USC § 103

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai (US 3,036,864). The examiner notes that it is well known in the art to construct a love seat by doubling the width of a chair and its corresponding structure. It would have been obvious to the skilled artisan to have used either of the backrest/armrest attaching systems shown by Arai or Richardson as a means to attach a pair of backrests to a seat base in order to create a love seat, since this is no more than a duplication of parts.

Response To Arguments

Applicant's arguments filed August 26, 2005 have been fully considered but they are not persuasive. The applicant's comments with regards to the Arai reference are drawn towards features which are unclaimed. The fact that Arai uses a set of brackets that slide inside of the arm rests as opposed to being external of the arm rest is of no effect, since the claims do not state that the brackets are external of the arm rest. As presently claimed, the second surface can be considered as being formed inside of the auxiliary member or arm rest. The claims also use a negative limitation to define that no mechanical fasteners are used to secure the auxiliary members to the base. In the Arai reference the arm rest in effect merely rests upon the brackets formed by the spring members 15, such that there is no fastening type of engagement between the members. Finally with respect to the subject matter of claims 13 and 14, these claims only state that the first and second auxiliary members and support brackets are interchangeable. The

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brackets and arm rests of the Arai seat could be interchanged, even if the result would be a less than perfect piece of furniture. The terms of the claims are therefore met by the reference.

The applicant has not presented any arguments as to why claim 25 is allowable over the prior art. Claim 25 has been rejected.

Allowable Subject Matter

Claims 6 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

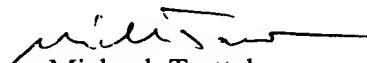
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is (571) 272-7052. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (571) 272-7052. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Michael Trettel
Primary Examiner
Art Unit 3673